IN THE HIGH COURT OF JUDICATURE AT BILASPUR
(CHHATISGARH)

W. P. NO. 2018 OF 2003

PETITIONER

Ramesh Chandra Shrivastava,
S/o. Late Shri Ram Swarup
Shrivastava,
Aged about 52 years,
Presently posted as Senior
Divisional Accounts Officer,
O/O. The Executive Engineer,
Tandula Water Resources Divn.,
Durg (C.G.)

VE R S U S

RESPONDENTS

1. Principal Accountant General,
M.P. & Chhattisgarh,
New Building,
Jhansi Road,
Gwalior (M.P.)

2. Accountant General(A&E)-I,
53, Arera Hills,
Hoshangabad Road,
Bhopal Branch,
Bhopal (M.P.)

3. Sr.Dy.Accountant General(Works
Accounts),
53, Arera Hills,
Hoshangabad Road,
Bhopal Branch,
Bhopal (M.P.)

P. R. No. 1623/03
Presented by Shri Maninder Singh Oberoi
dated 26.9.03

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS:

(132)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2018 of 2003

Petitioner: Ramesh Chandra Shrivastava

Versus

Respondents: Principal Accountant General, M.P. & Chhattisgarh and others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Ashish Shrivastava, Advocate for the petitioner.

Shri S.K. Beriwal, Advocate for the respondents

ORDER

(Passed on 8th Day of January, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner was employed as Senior Divisional Accounts Officer in the Office of the Executive Engineer, Tendula Water Resources Division, Durg. By order dated 2.7.2003 (P/4), the petitioner was transferred from Tendula Water Resources Division, Durg to Executive Engineer (E & M), Light Machinery Tube-well & Gates Division, Durg.
2. The petitioner, being aggrieved, filed this petition impugning the transfer order dated 2.7.2003 (P/4) on the ground that the order has been passed by an incompetent officer with malice.
3. This Court, vide order dated 11.7.2003, stayed the effect and operation of the order dated 2.7.2003 (P/4), thereby the petitioner continued to remain at the old place of posting i.e. Tendula Water Resources Division, Durg. The petitioner has completed about 3 years

133

and 6 months at Durg. The petitioner has been granted final relief by interim order. The petitioner could not continue at one place forever.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations. In the facts and circumstances of the case, it is not necessary to examine validity of the transfer order at this stage.

5. Without going into validity of the impugned order, the respondents-authorities are accordingly directed not to insist on compliance of the impugned order dated 2.7.2003 (P/4) after a lapse of more than 3 years and 6 months. However, the respondents-authorities are at liberty to place/post the petitioner at any place, if public interest and/or administrative exigency so require.

6. The writ petition is accordingly disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu